

RESOLUTION NUMBER R- **315321**

DATE OF FINAL PASSAGE **JAN 29 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
MICHAEL BLOOM, ET AL. AND THE CITY OF SAN DIEGO,  
ET AL.

WHEREAS, on November 15, 2017, homeless individuals Michael Bloom, Stephen Chatzky, Tony Diaz, Valerie Grischy, Penny Helms, Benjamin Hernandez, Doug Higgins, Suzonne Keith, David Wilson, individually and on behalf of those similarly situated (the class), filed suit against the City of San Diego alleging the City violated their constitutional rights by prohibiting vehicle habitation at night under the Vehicle Habitation Ordinance (VHO) and the Oversized Vehicle Ordinance (OVO). The lawsuit is titled *Michael Bloom, et al. v. City of San Diego, et al.*, United States District Court Case No. 17cv2324 (AJB) DEB (Litigation); and

WHEREAS, in Closed Session on October 30, 2023, the San Diego City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 6, 8, and 9; Nays, District 5; and Absent, District 7; approved the Settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the following sums in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, arising from the Litigation: an amount not to exceed \$3,162,500.00, including \$2,975,000.00 in recoverable attorneys' fees and \$187,500.00 in damages to Plaintiffs from the Public Liability Fund, Fund 720045; an amount not to exceed \$900,000.00, including \$640,000.00 from the General Fund, Fund 100000, and \$260,000.00

from Fund 400002, Capital Outlay-Misc, for improvements to the safe parking lot located in Mission Valley based on a priority list agreed to by the City and Plaintiffs; and an amount not to exceed \$850,000.00 from the General Fund, Fund 100000, Business Area 1716, Homelessness Strategies and Solutions Department, for additional safe parking.

2. Authorizes the City Treasurer to forgive all unpaid parking tickets, including applicable City Treasurer fees and interest, issued to class members between November 15, 2017, and the effective date of the settlement that were issued by the City for violations of the Oversized Vehicle Ordinance for parking an oversized vehicle between 2:00 a.m. and 6:00 a.m. and for violation of signage referring to the Oversized Vehicle Ordinance parking prohibition during nighttime hours or referring to the Vehicle Habitation Ordinance.


3. Authorizes the Chief Financial Officer to expend an amount not to exceed \$3,162,500.00, including \$2,975,000.00 in recoverable attorneys' fees and \$187,500.00 in damages to Plaintiffs from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

4. Authorizes the Chief Financial Officer to appropriate and expend an amount not to exceed \$640,000.00 from the General Fund, Fund 100000, Business Area 9912, Citywide Program Expenditures Department, for improvements to the safe parking lot located in Mission Valley based on a priority list agreed to by the City and Plaintiffs, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

5. Authorizes the Chief Financial Officer to transfer an amount not to exceed \$640,000.00 from the General Fund, Fund 100000, Business Area 9912, Citywide Program Expenditures Department, to Fund 400265, General Fund Contributions to the CIP; and the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP L24002, Citywide Homeless Shelters, and to appropriate and expend an amount not to exceed \$640,000.00 from Fund 400265, General Fund Contributions to the CIP, for the purpose of improvements to the safe parking lot located in Mission Valley based on a priority list agreed to by the City and Plaintiffs.

6. Authorizes the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP L24002, Citywide Homeless Shelters, and to appropriate and expend \$260,000.00 from Fund 400002, Capital Outlay-Misc, for the purpose of improvements to the safe parking lot located in Mission Valley based on a priority list agreed to by the City and Plaintiffs.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Michelle T. Neff  
Deputy City Attorney

MTN:hhk  
October 31, 2023  
Or.Dept: City Attorney  
CC Nos. 3000016423, 103293862, 3000016418  
Doc. No. 3460844

The City of San Diego  
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000016423 &  
103293862

ORIGINATING

DEPT.

NO.:

B A: 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$1,750,000.00

Purpose: \$850K is for Homelessness Strategies and Solutions Department, for additional safe parking.  
\$640K Excess Equity will be used to increase budget for the General Fund in Citywide to transfer to Fund 400265, CIP L24002; for improvements to the safe parking lot located in Mission Valley.  
\$260K excess equity to increase budget to Capital Outlay Fund for CIP L24002; for improvements to the safe parking lot located in Mission Valley.

Date: January 18 2024

By: Alyssa Yopez *Alyssa Yopez*  
COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |        |              |             |                  |               |                            |                               |                 |
|-----------------|----------------|--------|--------------|-------------|------------------|---------------|----------------------------|-------------------------------|-----------------|
| Doc. Item       | Funded Program | Fund   | Grant Number | G/L Account | Functional Area  | Business Area | Fund Center or Cost Center | Internal Order or WBS Element | Original Amount |
| 1               |                | 100000 |              | 512066      | OTHR-00000000-NS | 1716          | 1716000011                 |                               | \$850,000.00    |
| 2               |                | 100000 |              | 330081      | OTHR-00000000-GG | 9913          | 9913000011                 |                               | \$640,000.00    |
| 3               |                | 400002 |              | 330081      | OTHR-00000000-GG | 9913          | 9913000011                 |                               | \$260,000.00    |
|                 |                |        |              |             |                  |               |                            |                               |                 |
|                 |                |        |              |             |                  |               |                            |                               |                 |
| TOTAL AMOUNT    |                |        |              |             |                  |               |                            |                               | \$1,750,000.00  |

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |                |      |              |             |                 |               |                            |                               |                 |
|-----------------|----------------|------|--------------|-------------|-----------------|---------------|----------------------------|-------------------------------|-----------------|
| Doc. Item       | Funded Program | Fund | Grant Number | G/L Account | Functional Area | Business Area | Fund Center or Cost Center | Internal Order or WBS Element | Original Amount |
| 1               |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
|                 |                |      |              |             |                 |               |                            |                               |                 |
| TOTAL AMOUNT    |                |      |              |             |                 |               |                            |                               |                 |

The City of San Diego  
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016418  
DEPT. NO.: 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$3,162,500.00

Purpose: Settlement of Michael Bloom, et al. v. City of San Diego, et al., United States District Court 17cv2324 (AJB) DEB, Claim No. 18372

Date: January 16, 2023

Lauren Rehkopf *Lauren Rehkopf*

| ACCOUNTING DATA |        |                |                |                  |             |               |             |     |                 |
|-----------------|--------|----------------|----------------|------------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item       | Fund   | Funded Program | Internal Order | Functional Area  | G/L Account | Business Area | Cost Center | WBS | Original Amount |
| 1               | 720045 | NON-PROGRAM    |                | OTHR-00000000-GG | 512006      | 1515          | 1515000011  |     | \$3,162,500.00  |
|                 |        |                |                |                  |             |               |             |     |                 |
|                 |        |                |                |                  |             |               |             |     |                 |
|                 |        |                |                |                  |             |               |             |     |                 |
|                 |        |                |                |                  |             |               |             |     |                 |
| TOTAL AMOUNT    |        |                |                |                  |             |               |             |     | \$3,162,500.00  |

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |      |                |                |                 |             |               |             |     |                 |
|-----------------|------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item       | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
|                 |      |                |                |                 |             |               |             |     |                 |
| TOTAL AMOUNT    |      |                |                |                 |             |               |             |     |                 |

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 23 2024.

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 1/25/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 23 2024, by the following vote:

| Councilmembers      | Yeas                                | Nays                                | Not Present              | Recused                  |
|---------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Joe LaCava          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| District 4 - vacant | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 29 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315321**